

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SUP-19103 - APPLICANT: AAG-LAS VEGAS, LLC DBA LEXUS OF LAS VEGAS - OWNER: MUSTANG MAN, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 6, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (3-2-1/ds/bg/rt vote) and staff recommend DENIAL.

**Planning and Development**

1. Conformance to the Conditions of Approval for Rezoning (Z-0045-88) shall be required, except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Review of Condition (ROC-19273) shall be required.
3. Conformance to all Minimum Requirements under Title 19.04 for an Auto Dealer Inventory Storage use, except as amended herein.
4. A Waiver from LVMC Title 19.04 is hereby approved, to not require stored vehicles to be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
5. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for Auto Dealer Inventory Storage on 1.61 acres at 6750 West Sahara Avenue. The applicant intends the site as a proposed auto dealer inventory storage use to provide off site storage of inventory that they feel will be compatible with other similar locations in the area.

The Reclassification of Property (Z-0045-88) which approved the C-1 (Limited Commercial) zoning for the subject site specifically conditioned that “there shall be no outdoor storage of any kind”. Further, the proposed use is not compatible with the neighboring residential use and the activities within the Rainbow/ Sahara Commercial Development. Staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
07/06/88	The City Council approved a Zoning Reclassification (Z-0045-88) for this site as a part of a larger request. Staff had recommended approval and the Planning Commission recommended approval.
04/13/95	The Planning Commission approved a Plot Plan Review [Z-0045-88(16)] for the existing structure on the subject site.
05/17/95	The City Council approved a Special Use Permit (U-0045-95) for a Supper Club. The Zoning Board of Adjustment and staff recommended approval.
05/19/04	The City Council approved a request for a Special Use Permit (SUP-3986) to allow a Supper Club use on the subject property. The Planning Commission and staff had recommended approval.
07/07/04	The City Council denied an appeal of a denial vote by the Planning Commission for a Special Use Permit (SUP-3972) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff recommended approval and the Planning Commission recommended denial.
05/25/05	The Supper Club use on the subject site ceased business operations.
11/25/05	The Special Use Permit (SUP-3986) to allow the Supper Club use became void.
06/22/06	The Planning Commission denied a request for a Special Use Permit (SUP-13383) for a 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. Staff recommended denial.
11/20/06	The Department of Neighborhood Services opened a Code Enforcement Case (CODEENF-48107) for a zoning violation. There is a notation that this is for illegal vehicle storage which requires a special use permit. There have been three inspections on the site since the case was opened. This case is listed as still open as of 04/04/07.

03/22/07	The Planning Commission held in abeyance this application and a companion Review of Condition (ROC-19273).
04/12/07	The Planning Commission recommended denial of companion item ROC-19273 concurrently with this application.  The Planning Commission voted 3-2-1/ds/bg/rt to recommend DENIAL (PC Agenda Item #43/rts).

<b>Related Building Permits/Business Licenses</b>	
05/17/04	A business license for a R09 (Restaurant: Seating 45 or more - an establishment providing preparation and retail sale of food & beverages, including cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e. pizza) and similar uses) category license was processed in by the Department of Finance and Business Services. This license (R09-01257) was issued by Business Services on 08/25/04 with no apparent Planning and Development review. This license has been marked out of business as of 05/25/05.
<b>Pre-Application Meeting</b>	
11/16/06	A pre-application meeting was held and elements of this application were discussed. It was noted that a detailed parking analysis would be needed for the entire Rainbow/Sahara Commercial Subdivision. Submittal requirements were discussed.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required nor was one held.	

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	1.61
Net Acres	1.50

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Condominiums	M (Medium Density Residential)	R-PD16 (Residential Planned Development – 16 Units Per Acre)
South	Commercial Use	Clark County	C-2 (General Commercial – Clark County)
East	Church/House of Worship	SC (Service Commercial)	C-1 (Limited Commercial)
	Auto Repair	SC (Service Commercial)	C-1 (Limited Commercial)
West	Supper Club	SC (Service Commercial)	C-1 (Limited Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		X	N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

## INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a “Project of Regional Significance” for the following reasons:

1. Any Special Use Permit within 500’ of unincorporated Clark County

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and no significant issues have been identified.

The Planning Commission is to consider the Environmental Impact Assessment and the proposed mitigation measures prior to making a decision on the proposal.

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.04 and Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	221,051 SF	1 Space / 250 SF of GFA	867 Spaces	18 Spaces	1,131 Spaces	41 Spaces	Y
Sub-total (including handicap)	221,051 SF		895 Spaces		1,172 Spaces		Y
Spaces Lost to Auto Dealer Inventory Storage Use					111 Spaces	5 Spaces	

<b>Sub-total:</b> Number of Spaces Used for Storage (including handicap)				116 Spaces *	
<b>TOTAL: if Auto Dealer Inventory Storage Use Allowed</b> (including handicap)	221,051 SF		1,011 Spaces **	1,056 Spaces	Y
<b>Parking Deficit / Surplus, if Auto Dealer Inventory Storage Use Allowed</b>				Surplus: 45 Spaces	

\* This is the total number of spaces available on the subject parcel (APN 163-02-415-012) within the Rainbow / Sahara Commercial Subdivision. The applicant has leased the entire parcel for the Auto Dealer Inventory Storage Use.

\*\* An Auto Dealer Inventory Storage use may not impact the parking required by the principle use of the site. Therefore, the required on-site parking for the entire commercial development must increase in order to accommodate the 116 spaces proposed for this type of use. The resulting increase in the required number of parking spaces remains less than the available on-site parking by 45 spaces.

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Not to provide the screening that is required.	Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.	Denial

## ANALYSIS

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the Master Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is consistent with the Master Plan, and the proposed Auto Dealer Inventory Storage is a permitted use with the approval of a Special Use Permit. However, there is an existing condition of approval from

the Reclassification of Property (Z-0045-88) that “there shall be no outdoor storage of any kind” within the commercial development of which the subject site is a part. The applicant has requested a Review of Condition (ROC-19273) to have this condition removed. Staff is recommending denial of the requested Review of Condition (ROC-19273) as outdoor storage is still an incompatible use within this commercial development. An “if approved” condition has been added to this report that approval of and conformance to the Review of Condition (ROC-19273) is required.

There are no Minimum Separation Distance Requirements in Title 19 that apply to Auto Dealer Inventory Storage. Further, there are no minimum parking requirements for an Auto Dealer Inventory Storage use established by the Code; however, the spaces to be used for storage of vehicles must be over and above the required parking for property on which the storage is to be located.

The proposed Auto Dealer Inventory Storage use is to allow storage of vehicles for the existing Lexus of Las Vegas automobile dealership at 6600 West Sahara Avenue. The plans indicate the vehicles will be stored in the parking area used by the former restaurant/tavern use that was on this site. No indication has been made regarding any proposed use of the existing structure that housed the former restaurant/tavern use. The applicant has indicated there will be no screening of the area used for vehicle storage. Title 19.04 requires stored vehicles to be effectively screened so they are not visible from adjoining properties or public rights-of-way. The applicant proposes this condition to be waived.

Due to the requested waiver of the screening requirements and the proximity of the residential housing and the other lower intensity commercial uses abutting the storage area, the vehicle storage is not appropriate at this location. Therefore, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding development.

- Conditions

Pursuant to Title 19.04 the following conditions must be met for approval of the Auto Dealer Inventory Storage use:

1. All areas used for parking or storage of vehicles shall be paved.
2. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
3. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and accessed through a parcel located on a primary or secondary thoroughfare.
4. Lighting shall be shielded from adjacent properties.

5. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of parking area that is provided in excess of required parking for other uses. For the purposes of this Paragraph, the amount of required parking shall be calculated in accordance with the current standards set forth in Chapter 19.10.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Although this proposed use is allowed in the SC (Service Commercial) General Plan designation and the C-1 (Limited Commercial) zoning district, since conditions established by the Code have not been met and due to the incompatibility with the adjacent residential and lower intensity commercial activities, this use cannot be conducted in a manner that is harmonious and compatible with the surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposal will be located within an existing commercial development. Due to the incompatibility with the adjacent uses and the lack of proper screening, the subject site is not physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The abutting street network will be adequate for the traffic generated by the use, since it is within an existing commercial development. Access to the site is via access driveways from West Sahara Avenue, a 100-foot wide Primary Arterial on the Master Plan of Streets and Highways.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Auto Dealer Inventory Storage would not be a threat to the public health, safety, and welfare, as its license is subject to ongoing City inspection and enforcement.

**5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Auto Dealer Inventory Storage would not meet the conditions of Title 19.04 for this use due to failure to meet the screening requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 4

**ASSEMBLY DISTRICT** 5

**SENATE DISTRICT** 8

**NOTICES MAILED** 107 by City Clerk

**APPROVALS** 0

**PROTESTS** 1